

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALLEN RESTO,	:	CIVIL ACTION NO. 1:12-CV-207
Petitioner	:	
	:	
v.	:	(Judge Conner)
	:	
B.A. BLEDSOE, et al.,	:	
Respondents	:	

ORDER

AND NOW, this 12th day of April, 2012, upon consideration of the Report and Recommendation of United States Magistrate Judge Martin C. Carlson (Doc. 3), recommending that the complaint for writ of mandamus (Doc. 1) be dismissed without prejudice and the motion for leave to proceed *in forma pauperis* (Doc. 2) be granted, and, following an independent review of the record and noting that petitioner filed objections¹ to the report on February 13, 2012 (Doc. 4), and the court finding Judge Carlson's analysis to be thorough and well-reasoned, and the court finding petitioner's objections to be without merit and squarely addressed by Judge Carlson's report (Doc. 3), it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The Complaint for Writ of Mandamus (Doc 1) is DISMISSED without prejudice to petitioner endeavoring to correct the defects cited in the Report and Recommendation, provided that petitioner acts within twenty days from the date of this order.
2. The motion for leave to proceed *in forma pauperis* is GRANTED solely for the purpose of filing this action.
3. The Clerk of Court is directed to CLOSE this matter.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge